REMARKS

Appellant filed a request for rehearing under 37 C.F.R. 5 41.52 requesting that the reconsider its decision of April 8, 2009 ("Decision"), in which the Board:

affirmed the rejection of claims 1-14 under 35 U.S.C. 101;

affirmed the rejection of claims 1-3, 12-14, and 28-30 under 35 U.S.C. 102(b);

reversed the rejection of claims 4-6, 8, 9, 15-17, 19, 20, 22-27, and 31-38 under 35 U.S.C. 102(b),

reversed the rejection of claims 18, 21, and 39 under 35 U.S.C. 5 103(a), and

entered new grounds of rejection of claims 15-39 under 35 U.S.C. 5 101.

Discussion

The Board granted Appellant's request in part, modifying its Decision and withdrew the new grounds of rejection of claims 19-39 under 101, as being directed to non-statutory subject matter.

Accordingly, claims 19-39 are now clearly directed to statutory subject matter, and claims 19-27 and 31-38, as presented, are allowed over the prior art.

Applicant has amended the remaining claims in accordance with the guidance afforded by the Board's Decision of April 8, 2009 and Decision on Reconsideration of July 31, 2009, as discussed below.

101 rejections

Applicant has amended claims 1 and 15 to overcome the remaining rejections under 35 U.S.C. 101.

Claim 1 has been amended to call for "A monitor rendering a graphical user interface for a fare rule summary tool, the monitor comprising: circuitry to render the graphical user interface, the graphical user interface … ."

Claim 1 directed to a monitor, a manufacture under 101, and includes circuitry to render the graphical user interface, is directed to statutory subject matter. The Board found claims 1-14 being "an arrangement of information in a table, a clear abstraction."[1] This is no longer the situation because the claims are now directed to a manufacture.

Claim 15 has been amended to call for a computer implemented method and included the features of: "parsing by one or more computers, a set of queries ... evaluating by one or more computers, the retrieved fares against the retrieved rules ... and producing by one or more computers, a summary of the results ... ." Claim 15 is directed to a method that incorporates, at least another statutory class, namely a manufacture, and thus is directed to statutory subject matter.

The Board had held that: "**The last step of the method recites displaying the summary on a user output device. This general device is not a particular machine, and thus these claims do not limit the process steps to any specific machine or apparatus. Further, the involvement of the machine in the claimed process is merely an insignificant extra-solution activity. As such, the claims fail the first prong of the machine-or-transformation test because they are not tied to a particular machine or apparatus.**"[2] Claim 15, as amended, is tied to a particular machine, and the machine is recited in the body of the claim. The involvement of the machine is in significant, solution activity.

Accordingly, all of the claims are now directed to statutory subject matter.

Rejection of claims 1-3, 12-14, and 28-30 under § 102(b)

The Board maintained the rejection of claims 1-3, 12-14, and 28-30 under 102(b). In its Decision, the Board held that: "**Rather, the Examiner's broader reading of "fare" to refer to fare price is reasonable in view of the evidence before us.**"[3] Applicant has amended claim 1 to more specifically define what is meant by "fare" in claim 1, and to place the element of fare in the table in a manner not contemplated by Tanner.

Claim 1 now recites: "... circuitry to render the graphical user interface, the graphical user interface comprising a fare evaluation result table ... having a first one of rows and columns

[1] Board's decision page 5.
[2] Id. page 11.
[3] Id. page 25.

representing fares and a second one of rows and columns representing the fare rule summaries with fares comprising an origin, a destination and a carrier, ... the fares ... represented by a corresponding code in one of the first one of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns."

The Board found that:

> **Tanner discloses a table displayed on a computer monitor that is generated as the result of a query of a database, using travel input details, to determine applicable flight options, and then a query of a Computer Reservation System (CRS) to determine if there are seats available for the flight options, after evaluating whether all of the net fare restrictions and conditions are met (Fact 8). The table includes rows representing fares. For example, each row represented in the table of Figure 4A represents a fare from Dallas to Frankfurt. These fares include information in each row including the departure and destination cities, the fare base price, tax, and fare total price, and the carrier (Fact 9).**
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> **The table further includes columns representing fare rule summaries. For example, the column labeled Rules in Figure 4A includes a button, which when marked, indicates that rules exist for that particular fare shown in the corresponding row (Fact 10). We note that the claims do not require that the actual rules are depicted in the table. Rather, the claims require only that the rows or columns "represent" fare rule summaries. Appellant's claim 3 implies that one column of the fare rules summaries could be a column showing the fare price. The table of Figure 4A further includes a column labeled "Adult" which lists the base price (without tax) for an adult for each fare listed in the associated row (Fact 11). As such, the "Rules" and "Adult" columns of Figure 4A of Tanner represent fare rules summaries.[4]**

While Applicant disagrees with certain of the key findings of the Board,[5] it is clear that claim 1, as now amended, is distinct over Tanner. Claim 1 requires "the fares ... represented by a corresponding fare code in one of the first one of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns." No such features are described or obvious from Tanner. Rather in Tanner fares, as construed by the

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[4] Board decision page 25.
[5] The Board continues to ignore the distinction between flights and fares and the teachings of Tanner that: "A travel agent then inputs the travel criteria as illustrated in Figure 2. Once the information is entered, the system of the present invention searches and sorts available flights based on the inputted travel criteria, as illustrated in Figure 3. The flights are displayed by departure, destination, fare, approximate tax, total, airline, via gateway, and availability." Tanner p. 13.

Board, are set forth by: "**... each row represented in the table of Figure 4A represents a fare from Dallas to Frankfurt. These fares include information in each row including the departure and destination cities, the fare base price, tax, and fare total price, and the carrier (Fact 9).**" Nothing in Tanner shows a corresponding fare code in one of the first one of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns.

Applicant has set forth below a portion of FIG. 3. This portion of FIG. 3 shows an arrangement in which a fare is represented by fare codes in a first column and a price associated with the fare is in a second column.

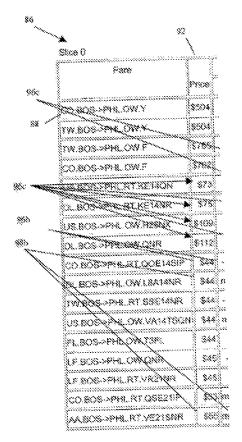No such arrangement is described would be rendered obvious from Tanner.

FIG. 3

Accordingly claim 1 and claims dependent thereon are allowable over Tanner.

Claim 28 which is directed to a method has been amended in an analogous manner, as claim 1. Accordingly, claim 28 and claims dependent thereon are allowable over Tanner.

In view of the above all of the pending claims are allowable over the cited art and are directed to statutory subject matter.

No fees are due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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